

November 14, 2001

Andrew Mangan, President  
Applied Sustainability, LLC  
Building III – Suite 501  
4425 S. Mopac  
Austin, TX 78735

**RE:** Certification of NJCAT Verification Report for CH2M HILL and Applied Sustainability, LLC By-Product Synergy Process.

Dear Mr. Mangan:

The New Jersey Department of Environmental Protection (NJDEP) is pleased to certify the New Jersey Corporation for Advanced Technology (NJCAT) verification of CH2M HILL and Applied Sustainability, LLC By-Product Synergy (BPS) process. This certification is issued in accordance with the overall verification/certification process, as outlined in the New Jersey Environmental and Energy Technology Verification (EETV) Act at N.J.S.A. 13:1D-134. The intent of the legislation is to promote the use of Innovative Environmental Technology (IET).

Overall, the EETV Act encourages the commercial development and use of technology-based environmental and energy-related products, services and systems that abate and prevent environmental pollution and promote energy conservation in the most cost-effective and environmentally efficient manner. The NJCAT verification process, established by the EETV Act, is an independent third party evaluation of the performance data and claims of an IET. This verification process provides NJDEP and other state permitting agencies or users of the technology with a reasonable degree of assurance that the IET will perform as claimed.

As required by the EETV Act, before an IET can receive a certification from NJDEP, NJCAT must complete a verification of the technology, in accordance with its "Technology Verification Program General Verification Protocol". NJDEP and NJCAT jointly developed this protocol. NJCAT's verification report of the performance claim for the BPS process of CH2M HILL and Applied Sustainability, LLC, and the validation of the existing performance data, sampling and analytical methods was submitted to NJDEP on October 11, 2001.

NJCAT's verification of the BPS process is based on an evaluation of the BPS process and not on a specific by-product synergy. NJCAT's verification documents that the BPS process is based on sound scientific and technical principles, and that the overall BPS process can result in the reduction of energy usage and significant amount of greenhouse gas emissions. While this NJCAT verification is not certified to a specific regulatory exemption, policy or general permit condition, it will be acceptable to utilize the BPS process of CH2M HILL and Applied Sustainability, LLC as documentation for the materials and energy balance

evaluation, and the greenhouse gas (GHG) reduction criteria for NJDEP's Silver Track II and Gold Track Program for Environmental Performance. In addition, NJCAT's verification found that the BPS process could potentially result in the reduction of contaminant discharges and emissions to all media of the environment. Overall, the NJCAT's verification documents that the BPS process of CH2M HILL and Applied Sustainability, LLC will result in a significant net environmental benefit.

When implemented, in accordance with the EETV Act, certain benefits exist for an environmental technology or process that is verified by NJCAT. In accordance with the EETV Act, NJDEP can rely upon the NJCAT verification of the BPS process to establish contract provisions, protocols, policies, principles, and/or technical guidance for the permit processes as set forth in the Performance Partnership Agreement between NJDEP and NJCAT. Further, NJDEP will work with NJCAT to develop and implement outreach and educational seminars for the BPS process relating to NJDEP permitting processes, including the Silver Track II and Gold Track Program for Environmental Performance.

After receiving a certification from NJDEP, a NJCAT verified technology or process that provides a net environmental benefit qualifies for acceptance (through a reciprocity agreement) by other Technology Acceptance Reciprocity Partnership (TARP) States. This reciprocity agreement defines a process whereby California (CA), Illinois (IL), Massachusetts (MA), New Jersey (NJ), New York (NY), Pennsylvania (PA), and Virginia (VA) adopted a common pathway for the reciprocal evaluation, acceptance and approval of environmental technologies. NJDEP has reviewed the NJCAT verification of the BPS process, and has found it to be consistent with the Environmental Council of States "Strategy" and "Tier I Guidance" documents. Therefore, NJDEP will assist in a facilitated exchange between the TARP States to promote acceptance of the BPS process. In addition, to qualify for interstate reciprocity status, the development of any by-product synergy must follow the general Tier I Guidance document, and the appropriate TARP Tier II protocols as recommended in the certification report. In this regard, NJDEP will facilitate interstate acceptance of any such by-product synergy of the BPS process.

Again, congratulations on the certification of NJCAT's verification of your By-Product Synergy process. Should you have any questions on the overall certification/verification process, please contact Michael Winka, Administrator, of the Office of Innovative Technology and Market Development at (609) 984-5418. However, should you have any questions on the Silver Track II and Gold Track Program for Environmental Performance process, please contact Jeanne Mroczko, Director, of the Division of Pollution Prevention and Permit Coordination at (609) 984-0857.

Respectfully,

Robert C. Shinn, Jr.  
Commissioner

Enclosure

c: Marlen Dooley, Counsel to the Commissioner

Susan Boyle, Assistant Commissioner (Site Remediation)

Dennis Hart, Assistant Commissioner (Environmental Regulation)

Leslie McGeorge, Assistant Commissioner (Environmental Planning & Science)